

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 12-30 are pending. Claims 12 and 13 are amended to define Applicant's contribution to the art with greater particularity and to assure open-ended coverage where appropriate. Claim 15 is amended to correct an obvious clerical error. Apparatus claims 24-30, respectively similar to method claims 12-15 and 21-30, are added.

Applicant traverses the rejection of claims 12-23 as being anticipated by Humpleman et al., U.S. Patent 6,288,716. In rejecting independent claim 12, the Office Action repeats Applicant's claim language and then refers to numerous portions of Humpleman et al., but never explains the relationship between the operation of the Humpleman et al. browser-based command and control home network to the steps set forth in Applicant's independent claim 12. In other words, the Office Action never indicates what structures of Humpleman et al. are allegedly analogous to the plural primary equipment units and the manager equipment unit of claim 12.

The Office Action never identifies the Humpleman et al. structure that performs the preliminary step of storing presentations of equipment units in the equipment units or in the manage equipment unit, nor does the Office Action say where Humpleman et al. allegedly discloses a manager equipment unit that

recovers or selects the presentation of a given primary equipment unit. Further, the Office Action never indicates where Humpleman et al. discloses linking a given primary equipment unit to a manager equipment unit and the already-linked other primary equipment units by composing a home page through use of at least (a) the presentation of the manager equipment unit, (b) the presentations of the other primary equipment units already linked, and (c) the presentation of the given primary equipment unit. The Examiner is requested to identify with greater particularity the portions of Humpleman et al. that disclose the foregoing equipment, in the same terms as the equipment is defined in claim 12, and to indicate where Humpleman et al. specifically discloses the foregoing steps.

Since specific portions of Humpleman et al. are referred to without indicating how they read on claim 12, the Office Action, does not comply with 37 C.F.R. §1.104(c)(2), which states:

When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained in each rejected claim specified.

The Humpleman et al. reference is complex, having 19 sheets of drawing and 20 different figures, including figures designated as "A" and "B". The specification includes nearly 24 columns, followed by approximately two and a half columns of claims. In citing

numerous portions of the Humpleman et al. reference, without ever equating these portions to the terminology of claim 12, the Office Action does not clearly explain how the Humpleman et al. reference reads on Applicant's claim 12.

For the record, Applicant notes that FIG. 1 of Humpleman et al. is concerned with a home network 100 including a digital television receiver having a screen for displaying hyper text mark-up language (HTML). The receiver could be replaced by other devices, such as a personal computer. The digital television is linked by 1394 serial bus 114 to network interface unit 104 that is coupled to satellite receiver 122. Network interface unit 104 apparently also includes dynamic host configuration protocol server 106. Bus 114 couples digital video device (DVD) 108, digital video cassette recorder (DVCR) 110 and signals from security system 120 with signals from network interface unit 104 and digital television 102.

Attorney for Applicant has carefully reviewed the portions of Humpleman et al. cited in the first full paragraph on page 3 of the Office Action, and notes that the only the passages at column 13, line 25, and column 14, line 2, actually mention a home page. However, these portions of Humpleman et al. fail to indicate that a home page is composed by using at least (a) the presentation of the manager equipment unit, (b) the presentations of the other primary equipment units already linked and (c) the presentation of the given

primary equipment unit. Hence, the contention that Humpleman et al. anticipates claim 12, as originally presented, does not appear to be correct. In any event, claim 12 as now presented appears to be clearly patentable over Humpleman et al.

Dependent claims 13-23 are allowable with claim 12, upon which they ultimately depend. In addition, claim 13 appears to distinguish over Humpleman et al. by requiring downloading a home page from the manager equipment unit into any of the primary equipment units to form a home page for all the equipment units in order that the primary equipment units can carry out the functions of the other primary equipment units and the manager equipment unit. Attorney for applicant is unable to find any disclosure of the foregoing limitations in the portions of the Humpleman et al. referred to in the third full paragraph on page 3 of the Office Action, i.e., the portion of the Office Action directed to claim 13.

If the Examiner is relying on Humpleman et al. to inherently disclose the claimed features, he is reminded of the burden involved in establishing inherency. The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. In re Rijckaert, 9 F3d 1531, 1534, 28 USPQ 1955, 1957 (Federal Circuit 1993); in Re Oelrich, 666 F2d 578, 58, 582, 212 USPQ 323, 326 (CCPA 1981). To establish inherency, extrinsic

extrinsic evidence must make clear that the missing descriptive matter is **necessarily** present in the thing described in the reference and that it would be so recognized by persons of ordinary skill in the art. Inherency may not be established by possibilities or probabilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient. *In re Roberston*, 169 F.3d 743, 745, 49 U.S.P.Q.2d 1949, 1950-1951 (Federal Circuit 1999). In relying upon a theory of inherency, the Examiner must provide a basis in fact or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the prior art. *Ex parte Levy*, U.S.P.Q.2d 1461, 1464 (B.P.A.I. 1990). MPEP Section 2112. The Examiner has failed to show by reasoning or evidence how Humpleman et al. inherently includes the foregoing features of claims 12 and 13.

Newly added independent claim 24 is allowable for similar reasons to those advanced with regard to claim 12. Claims 25-30, which depend on claim 24, are allowable therewith.

In view of the foregoing amendment and remarks, favorable reconsideration and allowance are respectfully requested and deemed in order.

To any extent necessary, Applicants hereby request an extension of time I which to file this paper and hereby authorize the Commissioner to charge any omitted fees, including extension of time and extra claims fees, to Deposit Account 07-1337.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP

By: 
Allan M. Lowe Reg. No. 19,641

1700 Diagonal Road, Suite 300
Alexandria, VA 22314
703-684-1111 telephone
703-518-5499 telecopier
AML:rk